

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested. Claims 1, 3-5, 8-11, 13, 16-17, 19, 22-23, 25-26, 28-30, 33, 35-36, 38-40, 43, and 45 are amended, claims 2, 12, 20-21, 27, and 37 are canceled, and claims 1, 3-11, 13-19, 22-26, 28-36, and 38-45 are pending in the application.

Claims 8-10, 33-35, and 43-45 were rejected under 35 USC §112, second paragraph. The indication of informalities is appreciated. The claims have been amended to ensure compliance with §112, second paragraph. In particular, independent claims 1 and 26 have been amended to explicitly specify that: (1) the host computer “comprises” the server; (2) the server receives the web-based user request; and (3) the application resource of the host computer having received the web-based user request *is* said server.

The rejection of claim 43 is traversed: independent claim 36 explicitly specifies that the host computer comprises: (1) means for first receiving; and (2) *server means as the corresponding application resource means*. In other words, the application resource means in the claimed host computer that receives the web-based user request is implemented as the server means.

Hence, one of ordinary skill in the art can readily ascertain the scope of the claims, which explicitly specify that the application resource in the host computer that receives the web-based user request is implemented as the server. Consequently, claims 8, 33, and 43 clearly specify that the “selected host computer” that receives the web request generated by the server is the same host computer that received the request and that executes the server: such an interpretation is proper because the destination of the web request is output to the *management resource* of the “selected host computer”. As illustrated in Figure 1, the server 14a of host computer 12a outputs the web request to the management client 20 of the *same host computer 12a via path 30a*.

For these reasons alone the §112, second paragraph should be withdrawn.

Claims 1, 26, and 36 were rejected under 35 USC §102(b) in view of U.S. Patent No. 5,774,667 to Garvey. As described below, these claims were amended to include the limitations of canceled claims 2, 27, and 37, as well as additional limitations, rendering this rejection moot.

Claims 1-3, 8, 11, 15-20, 25-28, 33-38, and 43-45 were rejected under 35 USC §102(e) in view of U.S. Patent No. 6,339,750 to Hoyer et al. As admitted on page 11 of the Official Action, Hoyer et al. does not disclose using an HTTP Post operation for sending and receiving requests. As described below, independent claims 1, 11, 19, 26, and 36 as amended specify sending and receiving requests as HTTP Post operations, as well as additional limitations, rendering this rejection moot.

Independent claims 1, 11, 19, 26, and 36 have been amended to specify that the server (or management server resource, server means) (hereinafter “server element”): (1) receives the web-based user request from a *user browser according to HTTP*; (2) outputs a web request to a selected host computer in the form of a *first HTTP Post*; (3) receives from the selected host computer a web response in the form of a *second HTTP Post*; and (4) outputs to the *user browser* a web-based user response.

Consequently, the server element receives the web-based request from a user browser according to HTTP protocol, enabling a user to remotely control the server element. Moreover, the server element sends the web requests, and receives web responses, in the form of *HTTP Posts*, enabling the multiple host computers to be controlled by the server element *simultaneously and asynchronously*, eliminating the necessity of complex communications between the multiple host computers, or persistent instances of management applications that may unnecessarily consume host computer resources while awaiting a response from another node.

These and other features are neither disclosed nor suggested in the applied prior art.

The §103 rejection of claims 4-7, 12-14, 21-24, 29, 30-32, and 39-42 in view of Hoyer and U.S. Patent No. 6,012,090 to Chung is respectfully traversed.

As admitted in the Official Action, Hoyer neither discloses nor suggests using an HTTP post operation for sending and receiving requests. Moreover, Hoyer neither discloses the claimed: (1) receiving a web-based user request from a user browser *according to HTTP protocol*; (2) outputting to a selected host computer a web request according to HTTP protocol and that specifies a *management command* for execution of the *management operation by the*

management resource of the at least one selected host computer; or (3) receiving a web response according to HTTP protocol and that specifies *information based on execution of the management operation*.

Rather, Hoyer specifies that the client device 210 (see Fig. 5) executes a GUI-based Java applet 500 that includes a data manager 510 that collects and stores performance measurements: the data manager 510 sends a request to the server side program “pmServ” 550 of the server performance monitor 225 by opening a socket for data to be supplied back to the data manager 510 at a set time interval (see Fig. 5, col. 6, line 65 to col. 7, line 2; col. 8, line 29-32; col. 10, lines 51-56; col. 11, lines 51-54; col. 12, lines 4-25). The “pmServ” program 550 continues to collect data until receipt of a “stop data collection request” from the data manager 510 (see col. 12, lines 16-22), and does not send the data to the data manager 510 until requested by the data manager 510 (col. 12, lines 22-27).

Hence, Hoyer opens and maintains a socket for persistent communications between the data manager 510 in the client device 210, and the programs 550 and 560 in the server performance monitor 225: one skilled in the art would recognize that use of a socket for persistent communications precludes the use of HTTP, since any HTTP response would cause an immediate closure of that socket (i.e., HTTP uses a socket for only one transfer).

Consequently, Hoyer neither discloses nor suggests receiving a web request from a user browser according to HTTP, as claimed.

Further, the server 225 of Hoyer sends management commands to web server nodes, and receives management responses from the web server nodes, according the SNMP, and not HTTP, as claimed. In particular, the server 225 uses an SNMP API to obtain SNMP Management Information Base (MIB) objects from each of the web servers 230, 240, 250, and 260 (see Figs. 3, 5, and col. 8, lines 51-67).

There is no disclosure or suggestion of the claimed server element outputting to a selected host computer a web request according to HTTP protocol and that specifies a ***management command*** for execution of the *management operation by the management resource* of the at least one selected host computer; or receiving a web response according to HTTP protocol and

that specifies *information based on execution of the management operation*. Hoyer uses an HTTP Get request only to measure response times by the web servers in serving up “home pages”. As described in the subject specification at page 10, lines 19-20, the claimed *management operations* are distinguishable from “application operations” in which a host computer is configured for providing a prescribed web service, such as outputting a web page in response to an HTTP Get request.

Hence, Hoyer neither discloses using HTTP for requesting *management operations*, or for providing *information based on execution of the management operations*.

Chung provides no more than grouping multiple HTTP requests by the user into a single identifiable group, enabling the user browser to output multiple HTTP posts having been associated with a particular group 58, based on the user selecting the group 58.

Despite the Examiner’s assertions to the contrary, there is no evidence one skilled in the art would have been motivated to modify Hoyer to include the teachings of Chung, especially since the teachings of Chung would change the principle operation of Hoyer by removing the persistent socket connection between the data manager 510 of the client performance monitor 210 and the server resources 550 and 560 of the server performance monitor 225 (see Fig. 5 of Hoyer). Hence, since the proposed modification or combination would change the principle of operation of the prior art invention being modified, the teachings of the references are not sufficient to render the claims prima facie obvious. MPEP § 2143.01, page 2100-132 (Rev. 2, May 2004) (citing In re Ratti, 123 USPQ 349 (CCPA 1959).

Moreover, the hypothetical combination still would neither disclose nor suggest that the claimed server would output *an HTTP Post* to a selected host computer specifying a *management command*, or receive an *HTTP Post* from the selected host computer specifying information based on *execution of the management operation* according to the management command, as claimed. Rather, the hypothetical combination at most would apply an HTTP post between the user browser and the server, but not between the server and other host computers for management operations, as claimed.

For these and other reasons, the §103 rejection should be withdrawn.

In view of the above, it is believed this application is and condition for allowance, and such a Notice is respectfully solicited.

To the extent necessary, Applicant petitions for an extension of time under 37 C.F.R. 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including any missing or insufficient fees under 37 C.F.R. 1.17(a), to Deposit Account No. 50-1130, under Order No. 95-463, and please credit any excess fees to such deposit account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'L. R. Turkevich', with a stylized flourish at the end.

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